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Filing date: **07/21/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92048775
Party	Plaintiff Emoda.Com Corporation
Correspondence Address	Manny D. Pokotilow Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd. 1635 Market Street - 7 Penn Center, 11th Floor Philadelphia, PA 19103-2212 UNITED STATES trademarks@crbcp.com, crbcpltd@aol.com, mlozada@crbcp.com
Submission	Motion to Compel Discovery
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Signature	/SGuerriero/
Date	07/21/2008
Attachments	12COPYRM2_EXCHANGE_07212008-142819.pdf (4 pages)(132234 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EMODA.COM CORPORATION,	:	
	:	
Petitioner,	:	
	:	CANCELLATION NO. 92048775
vs.	:	
	:	REGISTRATION NO. 3294672
EMOD,	:	
	:	
Respondent.	:	

PETITIONER'S MOTION TO COMPEL RESPONDENT'S INITIAL DISCLOSURES

Petitioner eModa.com Corporation, by and through its attorneys, and pursuant to 37 C.F.R. § 2.120(e) and FED. R. CIV. P. 37(a)(3)(A), respectfully requests that the Board enter an order compelling Respondent EMOD to disclose its initial disclosures as required by 37 C.F.R. § 2.120(a)(3) and FED. R. CIV. P. 26(a)(1). In support of this motion, Petitioner states as follows:

1. On April 3, 2008, the Board reset the deadlines in the above-referenced proceeding, establishing the deadline by which a party must make its initial disclosures to be July 11, 2008. (See Docket No. 9.)

2. By July 11, 2008, Respondent had failed to make its required initial disclosures, and as of the date of this motion, has continued its non-disclosure of information required by 37 C.F.R. § 2.120(a)(3) and FED. R. CIV. P. 26(a)(1).

3. As certified below, counsel for Petitioner has in good faith attempted to correspond with Respondent in an effort to secure the information without the Board's intervention, but such effort has been unproductive.

4. It is clear that the identities of the persons likely to have discoverable information and a description of all documents, electronically stored information and tangible things that Respondent may use to support its defenses, are highly relevant to the above-captioned

proceeding. These persons must be interviewed and/or deposed, and said documents, information and things must be inspected, so that Petitioner may properly prepare its case.

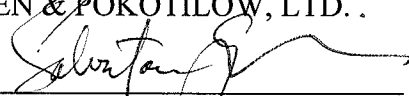
WHEREFORE, Petitioner respectfully requests that an Order be entered compelling disclosure of Respondent's initial disclosures and for such further relief as the Board decrees just and necessary.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD. .

Dated: July 21, 2008

By



Manny D. Pokotilow
Salvatore Guerriero
1635 Market Street
Seven Penn Center - 11th Floor
Philadelphia, PA 19103
Tel: (215) 567-2010
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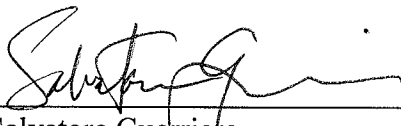
Attorneys for Petitioner
eModa.com Corporation

CERTIFICATE OF COMPLIANCE WITH 37 C.F.R. § 2.120(e) and FED. R. CIV. P. 37(a)(1)

I, Salvatore Guerriero, counsel for Petitioner eModa.com Corporation certify that I have made a good faith effort, by correspondence dated July 15, 2008, to resolve with Respondent EMOD, the issues raised by the foregoing motion to compel Respondent's Initial Disclosures and that I have been unable to resolve these issues. Respondent has neither responded to my correspondence of July 15, 2008 nor provided Petitioner with the initial disclosures required by 37 C.F.R. § 2.120(a)(3) and FED. R. CIV. P. 26(a)(1).

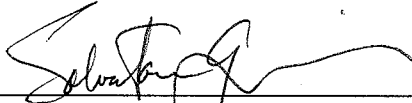
I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2008

By 
Salvatore Guerriero
CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
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CERTIFICATE OF MAILING

The undersigned certifies that the within PETITIONER'S MOTION TO COMPEL RESPONDENT'S INITIAL DISCLOSURES has been electronically filed with the United States Patent and Trademark Office Trademark Trial and Appeal Board via the Electronic System for Trademark Trial and Appeal Board (ESTTA), on this day, July 21, 2008.



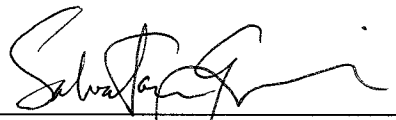
Salvatore Guerriero

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the within PETITIONER'S MOTION TO COMPEL RESPONDENT'S INITIAL DISCLOSURES is being served upon Respondent via First Class Mail and Electronic Mail addressed to:

Jamiar S. Tucker, Treasurer
EMOD
2647-G Annapolis Road
PMB #444
Hanover, MD 21076

on this day, July 21, 2008.



Salvatore Guerriero